

## COUNTY OF SUFFOLK



**Steve Bellone**  
SUFFOLK COUNTY EXECUTIVE

**Sarah Lansdale**  
Commissioner

**Department of Economic Development and Planning**  
**Division of Planning and Environment**

**STAFF REPORT****SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

<b>Applicant:</b>	Motor Parkway Associates, LLC
<b>Municipality:</b>	Inc. Village of Islandia
<b>Location:</b>	Southwest corner of Veterans Memorial Highway (NYS Rte. 454) and Motor Parkway (CR 67)
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<b>Received:</b>	5/10/22 (Subject to SC Admin. Code A14-15B.)
<b>File Number:</b>	Is-22-01
<b>T.P.I.N.:</b>	0504 00100 0100 010000 et. al.
<b>Jurisdiction:</b>	Adjacent to NYS Rte. 454 (Veterans Memorial Highway) and CR 67 (Motor Parkway)

**ZOING DATA**

- |                              |  |
|------------------------------|--|
| • Zoning Classification      | Main Street Planned Development District (MSPDD) |
| • Minimum Lot Area (Sq. Ft): | NA   |
| • Section 278:               | NA   |
| • Obtained Variance:         | NA   |

**SUPPLEMENTARY INFORMATION**

- |  |   |
|--|---|
| • Within Agricultural District:                        | No  |
| • Shoreline Resource/Hazard Consideration:             | No  |
| • Received Health Services Approval:                   | No  |
| • Property Considered for Affordable Housing Criteria: | Yes   |
| • Property has Historical/Archaeological Significance: | No  |
| • Property Previously Subdivided:                      | Yes   |
| • Property Previously Reviewed by Planning Commission: | Yes, (Is-08-01; Disapproval; see attached staff report) |
| • SEQRA Information:                                   | Yes   |
| • SEQRA Type   | Type I  |
| • Minority or Economic Distressed                      | No  |

## **SITE DESCRIPTION**

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Slightly sloping to south-east
- Range of Elevation within Site: 130' - 185' amsl
- Cover: Mature oak-pine woods – slightly disturbed
- Soil Types: Cut and fill, Plymouth series
- Range of Slopes (Soils Map): 3-15%
- Waterbodies or Wetlands: None

## **NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Amendment to zoning code & site plan
- Layout: Campus
- Area of Tract (Acres): 12.66
- Yield Map: No
  - No. of Lots: 1
- Open Space: 1.4 acres (natural);

## **ACCESS**

- Roads: Public
- Driveways: Private

## **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design System: Catch basins - leaching pools
  - Recharge Basins: No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: Public

## **STAFF ANALYSIS**

**Overview** - Petitioners to the Inc. Village of Islandia have requested a modification to the Main Street Planned Development District (MSPDD) of the Village of Islandia zoning law and simultaneous site plan approval for the construction of the Motor Parkway Associates, LLC mixed use development.

The petitioned amendment to the MSPDD includes:

- To allow 274 residential condominium units where “no more than 150 units” are permitted
- To decrease the hotel yield to 120 hotel rooms where no more than 274 rooms are permitted.
- To allow for a nine-story building where eight stories are permitted.

Overall, the development proposal includes the intended construction of a 450,000 square foot, nine (9) story residential condominium building including 274 units and two levels of underground parking (containing 333 parking spaces); a 76,500 square foot, five-story hotel building containing 120 rooms (and continental breakfast areas); a 7,500 square foot restaurant, and additional surface parking area (containing 351 off street surface parking stalls: 684 stalls total). There is proposed approximately 4.03 acres of the subject site to be revegetated with landscaping. The conceptual project proposal also includes a pool and a small dedication of land from the site as a "village green" and public "common area". Internal walkways are shown connecting the three buildings to each other and to sidewalk on Veterans Memorial Highway (NYS Rte. 454).

The total area of the subject development parcels equals 551,335 square feet and the total proposed building floor area is 534,000 gross square feet. The floor to area ratio (FAR) is proposed at 0.97.

Inc. Village of Islandia zoning law requirement for "lot coverage" (footprint of all buildings excluding parking structures) in the MSPDD is 40%. The proposed "Conceptual Site Plan" (prepared by Robinson and Muller Engineers, P.C., signed Christopher W. Robinson P.E., checked by "GT" dated 4-3-2022) indicates a "lot coverage" of "building area" (total building footprint) of 18.41%; an additional impervious area equal to 38.33% (total impervious area = 56.74%); "landscaped area" (31.87%) and undisturbed/"natural area to remain" (11.39%).

Direct access for the proposed residential condominium building on site is to be from Motor Parkway (CR 67) and is located at the southwest corner of the subject property. The access would be right turn only ingress/egress. Intended access for the Restaurant building and the hotel is proposed to be to Veterans Memorial Highway (NYS Rte. 454). This access also would be a right turn only ingress/egress. This access is located at the eastern property line. The internal street is continuous from Motor Parkway to Veterans Memorial Highway and provides access to the below-grade and surface level off street parking stalls.

The Inc. Village of Islandia Main Street Planned Development District (MSPDD) zoning law require 659 off street parking stalls (see subsection 177-138 H.) and the proposed Motor Parkway Associates, LLC development is in conformance with the requirement by providing a total of 684 stalls (333 stalls below grade/351 surface).

As written by the project sponsor on the Environmental Assessment Form (EAF pg. 4) "the subsurface parking garage will be constructed beneath the apartment building. The parking garage will be 496,750 sq. ft. with a maximum depth of 24 feet; however, all excavated soil will be retained onsite to ensure a 'balanced site' and no export of soil."

Public water to the development site is to be provided by the Suffolk County Water Authority (SCWA). According to the Environmental Assessment Form (EAF pg. 5.), referred to the Suffolk County Planning Commission by the Inc. Village of Islandia, a total of 106,742 gallons per day will be a new demand on the supply network. The EAF did not indicate that the existing public water supply would have the capacity to serve the proposal but indicated it was "to be determined through coordination with SCWA".

Sanitary wastewater from the residential condominium building, hotel and restaurant is anticipated to be approximately 91,275 gallons per day and is intended to be conveyed to Suffolk County Sewer District No. 13 - Windwatch. As part of the proposed development, a sewage pump station would be constructed at the southeast corner of the overall subject property.

Storm water runoff is reported, in the EAF (pg. 6) that was referred to the Suffolk County Planning Commission from the Inc. Village of Islandia, to be proposed to be collected by roof drains and catch basins and be discharged to onsite drywells and leaching pools for recharge to the ground.

An analysis of the character of the area indicates that the affected lands are located in an area predominated by Office "O" District. The subject properties are currently zoned Main Street Planned Development District (MSPDD). Some Highway Commercial (HC), Professional (P) and Neighborhood Retail (NR) districts are also found in the area.

Land uses in the area are reflective of the zoning districts consisting of a mix of commercial and residential uses. Adjacent and south of the subject site is a life insurance building and a savings bank. Southeast and adjacent to the subject area is another commercial site. The subject area is bordered by New York State Route 454 – Veterans Memorial Highway to the east and County Road 67 - Motor Parkway to the north and west.

Multi-Family uses are found to the east along Express Drive North east of Veterans Memorial Highway (NYS Rte. 454). The MF uses and some detached residential homes are backed to the north by the Town of Islip Landfill. Detached and attached residential housing dominates the land use pattern west of Motor Parkway in the Town of Islip. Those uses are buffered from the site by a strip of medical and professional office uses and associated surface parking in the Village of Islandia along the municipal boundary. A Suffolk County Water Authority facility on the Town side and a multi-story office building within the Village also buffer the municipal boundary.

The subject development parcels are situated in Hydro-geologic Ground Water Management Zone I pursuant to Article 6 of the Suffolk County Sanitary Code. The target area is not located in a Special Groundwater Protection Area (SGPA). The subject area is not located in a State Critical Environmental Area. No local, state or federally regulated wetlands occur on site. The subject development parcel is the last, relatively undisturbed, large wooded parcel in the vicinity.

**GENERAL MUNICIPAL LAW CONSIDERATIONS:** New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included are such issues as compatibility of land uses, community character, public convenience and maintaining a satisfactory community environment.

Pursuant to Procedures of the Suffolk County Planning Commission (Suffolk County Administrative Code Section A14-15 A) The Town of Islip Planning Department sent written correspondence to the Staff of the County Planning Commission (Andrew Freleng, Chief Planner, Department of Economic Development and Planning ) by email (dated June 07, 2022) indicating that "...The Town of Islip is unable to thoroughly review the potential impacts of the proposed action and compare to the previous approvals ..." and that revised and "...supplemental analysis of impacts associated with this action was not provided to the Town (see Town of Islip Planning and Development correspondence, attached).

Section 239-nn. of New York State General Municipal law requires neighboring municipalities, when considering planning and zoning matters, to give notice to an adjacent municipality when a development is being considered within 500 feet of its shared boundary. This applies, in this instance, to the Motor Parkway Associates referral with respect to the "site plan" being considered as part of the approval before the Village of Islandia board as referred to the Suffolk County Planning Commission by the Inc. Village of Islandia (see attached Village of Islandia



zoning law Sub-Section 177-139. *Site Plan*).

Concerns raised by the Town of Islip Planning Board and expressed to the Suffolk County Planning Commission related to goals of the MSPDD and the resultant effect of the requested amendments to the PDD ordinance.

Among the Town of Islip concerns were the following:

- “The proposed application at this time contains a modified Master Plan, inconsistent with MSPDD design components that were crucial to support a walkable and pedestrian oriented environment. Due to the nature of the changes in the proposed Master Plan and associated changes to the MSPDD zoning at this time, the Town of Islip requires an updated traffic study.”
- “The Town of Islip did not receive the associated percentage breakdown of the units per size (percentage of studios, one-bedroom and two –bedroom) which influences calculations on the impact the [sic] school-age children. In addition, it is unreasonable to assume that there are no potential impacts created by a ‘swap’ of hotel rooms for residential units. The Town of Islip requires an updated analysis of the proposed action on impacts on Hauppauge School District.”

Subsection 177-139 “Site plan review” of the Inc. Village of Islandia zoning law requires the submission of a site plan application to the Village Board of Trustees that include “formal alignment, grading and drainage, landscape and lighting plans for the entire site”. Materials referred to the Suffolk County Planning Commission by the Inc. Village of Islandia included a, Land Title Survey, 200’ Radius Map, 1,000’ Radius Map, Conceptual Site Plan and a Preliminary Grading Plan. The “formal alignment, drainage, landscaping and lighting plans” were not included.

Subsection 177-139 of the Village of Islandia zoning law also indicates that “the site plan shall be prepared in compliance with the requirements of Chapter 140, Site Plan Approval, herein, except that the requirement of a preliminary application shall be waived.” An examination of Chapter 140 reveals that, section 140-8, Action on final application and public hearing, indicates that “within 60 days of the receipt of the completed application for final site plan approval, the Village Board shall schedule and conduct a public hearing on the site plan as finally submitted...”

Moreover, Article XIV of the Suffolk County Administrative Code Subsection A14-25. C. requires that each site plan referred to the Planning Commission be accompanied by a “full statement” of facts on the proposed application. There was no copy of a Village held public hearing notice for the “final site plan” in the referral to the Suffolk County Planning Commission from the Inc. Village of Islandia. Subsection 140-6 b, Action on preliminary application, of the Village of Islandia zoning law, indicates that (potential) revisions to be made by the Village Board to the final site plan which shall be a condition of approval and which may be recorded as covenants and restrictions were not referred to the Planning Commission for review. In addition information deemed necessary by the Suffolk County Planning Commission, such as supplemental traffic and demographic information requested by the adjacent municipality should be included in the referral to the Suffolk County Planning Commission.

The relevant Suffolk County Planning Commission resolution history on this property spans back to 1998 (see attached SCPC staff report Is-08-01 Islandia Village Center; Staff Analysis section)

and included a SEQRA coordination commentary for a two lot subdivision to effectuate a hotel and office building. In June of 2000, the construction of a four story hotel and four story office building with a total Gross Floor Area (GFA) of approximately 152,000 SF was referred to the Suffolk County Planning Commission and was conditionally approved by the Commission. The Inc. Village of Islandia in 2004 referred to the Suffolk County Planning Commission an initiative to update the 1995 Comprehensive Plan for the Village to include a new MF-18 District (High Rise Multifamily residence condominiums and restaurant/catering facilities on 12 acre parcels with a maximum building height of 14 stories or 175 feet. That referral was disapproved by the Suffolk County Planning Commission.

The last development proposal referred by the Inc. Village of Islandia and considered by the Suffolk County Planning Commission was received in 2008. This proposal was for a three part application including (a) creation of a Main Street Planned Development District (MSPDD) zoning category, (b) the change of zone of the subject property from Office ("O") and MF-18 Multifamily Residential Owner-Occupied Condominium Overlay District ("MF-18 Overlay District") to MSPDD, and (c) approval of the Conceptual "Overall Site Plan" for Islandia Village Center in accordance with the MSPDD. The Conceptual Overall Site Plan for the Islandia Village Center proposed a gross floor area of 498,570 sq. ft. The proposal was an approximate two hundred twenty eight percent (228%) increase in gross floor area as compared to the Suffolk County Planning Commission approved application in June of 2000.

The Suffolk County Planning Commission on April 2, 2008 Conceptually Approved the Main Street Planned Development District as an amendment to the Zoning Ordinance but not the change of zone request to MSPDD for the subject property or the Conceptual "Overall Development" site plan (see attached SCPC staff report Is-08-01 Islandia Village Center; Proposal Details).

The underlying rational of the Suffolk County Planning Commission resolution was that the Islandia Village Center Project was a spot zoning that, as proposed, would be an over-intensification of the use of the premises and would significantly alter the character of the area on the border between the Inc. Village and the Town. It was the opinion of the Commission that a more appropriate and logical location for the MSPDD would be in the Village Center shopping development, in roughly the center of the incorporated Village.

Subsequent to its receipt of the Suffolk County Planning Commission resolution with respect to the Islandia Village Center, the Inc. Village of Islandia approved the Main Street Planned Development District zoning designation for the subject property. The site plan however, was not commenced.

The current project referral from the Inc. Village of Islandia to the Suffolk County Planning Commission is for an amendment to the Main Street Planned Development District (MSPDD) zoning designation that has been granted by the Village for that location and Site Plan approval for the proposed development. There is no change of zone petition for the development parcels in the current referral before the Suffolk County Planning Commission.

The Motor Parkway Associates, LLC referral from the Inc. Village of Islandia to the Suffolk County Planning Commission proposes a gross floor area of 534,000 square feet. The floor area is 35,430 sq. ft. greater than the previously proposed Islandia Village Center project and more than three and half times (3.56) or two hundred fifty one percent (251%) greater than the square footage approved by the Suffolk County Planning Commission in June of 2000, wherein the construction of a four story hotel and four story office building was considered.

The Petitioner contends however, that the Conceptual Site Plan is in the spirit of the Main Street Planned Development District zoning and states that “It should be noted that the overall number of proposed residential units and hotel rooms (which is 394 units/rooms) is less than the overall yield provided in the Village of Islandia Code for the MSPDD (which is 424 units/rooms).” The Petitioner continues by stating that ...”The proposed development is consistent with the intent and design standards of the MSPDD and will provide a productive and beneficial mixed-use planned development in the Village of Islandia. It is also consistent with the SEQRA Findings, which were previously adopted on October 14, 2008, and is in substantial conformance with the MSPDD.”

Notwithstanding the above argument by the Petitioner, it is indicated in the Environmental Assessment Form (EAF pg. 7) referred to the Suffolk County Planning Commission by the Inc. Village of Islandia, that the proposed project will not include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes. This is in direct contradiction to the Village of Islandia zoning law (subsection 177-134 C. (2), wherein it states that the purpose of the Article is to provide for “a more pedestrian-oriented, non-automotive environment ...” In fact, the “Walk Score” for the subject property is 32 out of 100, indicating that the subject site is “car dependent” and that “most errands require a car.”

The residential component of the proposed Motor Parkway Associates development is problematic for the above reasons and leans toward the argument that the project is not a “well-designed, mixed-use development” that is “minimizing the impact on roads, streets and other transportation facilities (see subsection 177-134 C. (4) of the Inc. Village of Islandia zoning law). Moreover, the Petitioner indicates that “Suffolk Transit bus route S54 passes by the site along CR 67 and SR 454: There are stops along southbound NY 454 near the intersection of NY 454 & LIE NSR; north side of the property on CR 67 at 1377 Motor Parkway & both sides of CR 67 to west near the intersection of 67/LIE NSR”. However, the proposed “Conceptual Site Plan” does not indicate a bus turn off, passenger shelter or pedestrian connectivity inside the development site or outside along its frontage with the transit routes to any of the transit stops.

The Petition is for a request to allow 274 residential condominium units where “no more than 150 units are permitted” in the Main Street Planned Development District. The additional 124 units of high-rise residential condominiums requested by the Petitioner may generate approximately 518 additional motor vehicle trips per average weekday (Institute of Transportation Engineers, *Trip Generation 6<sup>th</sup> Edition*). The as-of-right density of 150 condominium units would generate approximately 627 trips per average weekday. The additional 518 trips per day, added to the as-of-right trip generation, would total 1,145 trips per day for the proposed project and would typically be distributed to the adjacent streets coinciding with the peak hour of traffic volume. Any additional or supplemental Traffic Impact Analysis for the requested extra 150 units that can be found in the “Traffic Analysis Memorandum” provided to the Inc. Village of Islandia by the Petitioner was not included in referral material to the Suffolk County Planning Commission

The additional “story” or floor requested by the Petitioner (“to allow for a nine-story building where eight stories are permitted”) would ostensibly be to accommodate the additional 124 residential condominium units. Aside from the motor vehicle trip impacts, from the increased unit count the additional school age children that may be generated and need to be accommodated by the Hauppauge School District should also be provided for the record.

Approving the Petitioners requested relief from the provisions of the Main Street Planned Development District would allow an over-intensification of the use of the premises with respect

to the residential component and disregards the intent of the MSPDD which has multiple goals including an integrated development where residents can patronize local shops, services and public amenities; a pedestrian-oriented, non-automotive environment; conducive to shopping entertainment and recreation.

It should also be noted that the Suffolk County Planning Commission has already commented on the record about the location proposed for the “Main Street” PDD. Responding to the first referral of the MSPDD to the Suffolk County Planning Commission in 2008, by the Inc. Village of Islandia, the Suffolk County Planning Commission has stated that “It is the belief of the Suffolk County Planning Commission that the intent of the proposed MSPDD is laudable however, there remains some concern over the location requirements of the District. The applicable subject parcel is at the fringe or gateway to the Inc. Village. ‘Main Street’ or ‘Downtown’ mixed use ordinances should be targeted to existing commercial business districts or previously established village focal points. The Village Center shopping development, in roughly the center of the Incorporated Village, would appear to be a more appropriate and logical location for the application of a MSPDD.”

For informational purposes, according to Wikipedia, “Main Street” is defined as “a metonym used to denote a primary retail street of a village, town or small city in many parts of the world. It is usually a focal point for shops and retailers in the central business district and is most often used in reference to retailing and socializing”. The Oxford Languages Dictionary defines a Main Street as “the principal street of a town, traditionally the site of shops, banks and other businesses”. In addition, planners utilize locational criteria such as walkability, the presence of in-place infrastructure, the surrounding zoning and the existing neighborhood character, as well as, the presence of several best management practices to determine the location applicability of mixed use, high density, zoning districts. (It should be stated that in the vicinity of the proposed Main Street Planned Development District no building exceeds four stories in height). Other tall building’s that exist in the area are the (f/k/a) Computer Associates (7stories) bldg., Jakes 58 Casino Hotel (10 stories), and the Hyatt Regency Long Island (f/k/a Windham Wind Watch Hotel; 10 stories).

As a best management practice, proposed structures should not be overbearing to the immediate vicinity but rather be compatible with adjacent land uses and the mass and orientation of existing structures in the immediate area.

As well as, providing commentary to the Inc. Village of Islandia on the intended location of the MSPDD, the Suffolk County Planning Commission also provided commentary on the content of the proposed Planned Development District. Notwithstanding prior conditions and comments of the Suffolk County Planning Commission (over more than two decade) on development applications referred to the Commission by the Inc. Village of Islandia related to this parcel, there remain items, that in the opinion of the Commission staff, that should have been incorporated to the MSPDD ordinance currently in place on the subject parcels proposed for development by the Islandia Motor Parkway, LLC application.

1. Overall, the proposed MSPDD ordinance makes no provisions for the analysis of or standards for access to light (shadowing effects) and air circulation considering the allowance of mixed use, high rise structures in the MSPDD zone.
2. The proposed MSPDD ordinance makes no provisions for the incorporation of LEED (Leadership in Energy Efficient Design) standards for energy efficiency.
3. The proposed MSPDD ordinance makes no provision for the incorporation of workforce housing. The MSPDD should incorporate a minimum design standard of 10 percent of

the residential unit yield to be set aside for workforce housing purposes in accordance with the New York State Long Island Workforce housing Act.

4. The proposed MSPDD zoning overlay requirements should stipulate that the mandatory workforce housing units remain affordable in perpetuity.\*
5. Some percentage of the Workforce Housing units should be set aside as accessible and inclusive for individuals with developmental disabilities.\*\*
6. The proposed MSPDD ordinance has no nexus for the increase in yield from that which is allowed in the surrounding zones to a proposed ultimate density. The proposed ordinance will allow yield and intensity of a given application within the zone to a height of up to eight stories or 100 feet. The predominant existing zoning in the area limits height to 60 feet (4 stories). The ordinance provides for no provision for the incorporation of a substantial public benefit to account for the difference in yield/intensity of what is currently allowed in the zone and what is proposed for this site.

\*New York State General Municipal Law chapter 24, Article 16-A known as the Long Island Workforce housing Act requires that when a local government approves a mixed-use development that incorporates five or more residential units the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the local government and such local government shall require of the applicant the set aside of at least ten percent of such units for affordable workface housing. According to the Act, the Conceptual Site Plan as permitted by the MSPDD would be allowed a total of 150 units times ten percent (10%) equaling (150 + 15) 165 units. Of the resultant 165 units, ten percent or 17 units of the overall development should be set aside for Workforce Housing purposes.

The NYS LI Workforce Housing Act also requires that Local governments shall ensure that all affordable housing units created remain affordable in perpetuity (Subsection 699-b 3.).

\*\*People with or without disabilities seek generally the same things in their living arrangements. They want to feel safe and supported. They want respectful care that acknowledges their choices as autonomous individuals. They want to live somewhere they can feel relaxed after a long day; proud when they invite visitors; content as they fall asleep at night; a place to call home.

According to the NY Housing Resource Center, there are approximately 25,500 adults in Suffolk County with intellectual or developmental disabilities and approximately 63% of them live with family caregivers and of those approximately 25% of the caregivers over the age of 60. A big question for most families is what will happen to their child once they pass on (see 1999 United States Supreme Court decision Olmstead v. L.C. which affirmed that the unjustified segregation of individuals with disabilities is an illegal form of discrimination).

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The 1995 Village of Islandia Comprehensive Plan was updated in 2004 with respect to the subject property. The property was considered for the application of an MF-18 Overlay District (high rise multifamily residence condominiums and restaurant/catering facilities at 18 units/acre, up to 225 units and a maximum building height of 14 stories or 175 feet).

Nothing was developed under that zoning designation. In 2008 the Inc. Village of Islandia Board of Trustees approved a zone change for the subject site to Main Street Planned Development District (MSPDD). In 2022 at the time of this referral the zoning district for the subject property remains MSPDD.

**SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:** The Suffolk County Planning Commission has identified six general Critical County Wide Priorities that include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

With regard to environmental protection, it is noted that the subject property is the last, relatively undisturbed, large wooded parcel in the vicinity. The applicant indicates in the materials referred to the Suffolk County Planning Commission from the Inc. Village of Islandia that it is possible that the “Northern Long-eared Bat, based on documentation of bats in the general vicinity,” may be contained on site. (EAF. E.1.o; pg. 12). The species is classified as “threatened” in New York State.

While, according to the applicants materials, that “the species has not been documented as occurring on site”, best management practice for “green field” commercial development would be to allow clearing of no more than sixty-five percent (65%) of the subject site for development.

The applicant and the Village of Islandia should rework the Conceptual Site Plan referred to the Suffolk County Planning Commission and preserve closer to 35% of the naturally occurring vegetation on site. Moreover, the applicant should be directed to the New York State Department of Environmental Conservation to discuss mitigation to the potential impact to the Northern Long-eared Bat habitat.

Storm water runoff as a result of the total disturbance of the property and the creation of impervious surfaces (building and surface parking), as noted in referral materials to the Suffolk County Planning Commission from the Inc. Village of Islandia Board of Trustees, indicate that the storm water runoff from impervious areas is to be “collected by roof drains and catch basins and discharged to on-site drywells and leaching pools for recharge into the ground”. No recharge basin is indicated in the referral materials. There may be opportunity to decrease surface parking and increase natural methodologies to treat storm water runoff. The Suffolk County Planning Commission publication on managing storm water through natural methods should be reviewed by the Petitioner.

It is noted above that the total anticipated waste water flow of 91,275 gallons per day is intended to be conveyed to an established municipal sewage treatment district. The applicant should be directed to begin/continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works for review and approval of the wastewater treatment methodology

Also, the applicant should be directed to begin/continue dialogue with the Suffolk County Water Authority and discuss any engineering improvements needed to the potable water distribution network and acquire a Letter of Water Availability.

It is noted by staff, that 333 vehicle off-street parking spaces are proposed. Parking stall demand reduction techniques should be considered to decrease the required off street parking and increase the amount of undisturbed vegetation. See the below link to the Suffolk County Planning Commission publication on Parking Stall Demand Reduction as a methodology to create a nexus for parking forgiveness and developer provided public benefit.

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>

Land-banked parking area and areas created via the use of Parking Stall Demand reduction techniques can remain vegetated and utilized for natural drainage. The applicant should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

Little discussion is made in the application to the Village of Islandia and referred to the Commission on energy efficiency, Significant accommodations for energy efficiency and collaterally, mitigations to climate change can be made by considering the following best management practices:

- ☐ *When planning the layout of a development, consideration should be given to providing solar access. This means, where possible, laying out buildings in an East/West direction so that south facing windows and solar collectors, whether to be installed immediately or planned for the future, can get direct sunlight.*
- ☐ *New development should be required to install energy efficient appliances using the Energy Star label.*
- ☐ *Whenever possible all new residential, commercial and industrial buildings should include the use of renewable energy through the utilization of rooftop solar, wind, fuel cells and/or geothermal system and other energy storage devices.*
- ☐ *All new development with parking lots should have plans for (2%) of off street parking stalls to become future electric vehicle charging stations.*
- ☐ *All new development with parking lots should designate a minimum (8%) of parking spaces for clean energy vehicles, but should not increase the number of parking spaces beyond the minimum required in order to provide such designations.*
- ☐ *On-site pedestrian walkways should be provided to abutting roadways to enhance accessibility to nearby public transportation service.*
- ☐ *Promote connectivity between developments in order to improve pedestrian access to public transportation sites.*
- ☐ *All development should consider turning roofs, driveways and roads from heat absorbers to reflectors such as cool roofs and cool paving surfaces, or incorporate permeable pavements where advisable.*
- ☐ *Parking Stall Demand Reduction, to lessen parked and idling cars, decrease trip generation and avoid unnecessary disturbance to CO2 absorbing vegetation, should be employed.*

Little discussion in the referral materials to the Suffolk County Planning Commission from the Inc. Village of Islandia Board of Trustees related to public safety or universal design was included. The petitioner should be directed to review the Suffolk County Planning Commission Guidelines on public Safety and Universal design and incorporate where practical design elements therein.

The Inc. Village of Islandia should prepare or cause to be prepared a “Walkability Audit” toward recommendations in improving walkability and pedestrian enhancements to navigate the wide and auto-oriented street network in the vicinity of the Main Street Planned Development District subject property. The Walkability Audit should aim to better create “a more pedestrian-oriented, non-automotive environment (Chapter 177-134C (2); Article XXII, Village of Islandia zoning law)” and connect with mass transit (bus), central business districts (containing “shops, services and public amenities” 177-134C (1)), and open space with residential areas.

The progression of the land use process at the local municipal level (change of zone approval to MSPDD for the subject property) has advanced the Motor Parkway Associates, LLC application to the point of a petition by the applicant for a variance of certain standards of the MSPDD ordinance as it is being applied to a Site Plan application for the subject development properties. By the Villages prior action to approve the MSPDD ordinance for the subject properties it has rendered moot any locational conditions offered by the County Planning Commission that may have been applicable to the placement of the MSPDD, despite the Suffolk County Planning Commissions prior determinations.

Therefore, as a result, the recommendations of staff to the Planning Commission are limited to the “relief” requests by the Petitioner for the MSPDD zoning designation as approved for and applied to the development parcel(s) by the Inc. Village of Islandia and its applicability to the proposed “Conceptual Site Plan” (prepared by Robinson and Muller Engineers, PC., signed by Christopher W. Robinson P.E., checked by “GT” dated 4-3-2022)

### **STAFF RECOMMENDATION**

1. **Disapproval** of the petition by Motor Parkway Associates, LLC, amending Article XXII. Use District Regulations: Main Street Planned Development District, of the Inc. Village of Islandia zoning law, subsection 177-138 E. (1). **“to allow 274 residential condominium units where “no more than 150 units” are permitted”**
2. **Disapproval** of the petition by Motor Parkway Associates, LLC, **to allow for a nine-story residential condominium building where eight stories are permitted.**

**Reasons:** The long-term residential component of the proposed Motor Parkway Associates development is problematic as applied for via the Main Street Planned Development District Ordinance at this location. It is indicated in the Environmental Assessment Form (EAF pg. 7) referred to the Suffolk County Planning Commission by the Inc. Village of Islandia, that the proposed project will not include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes. This is in direct contradiction to the Village of Islandia zoning law (subsection 177-134 C. (2), wherein it states that the purpose of the Article is to provide for “a more pedestrian-oriented, non-automotive environment...” In fact, the “Walk Score” for the subject property is 32 out of 100, indicating that the subject site is “car dependent” and that “most errands require a car.”

Approving the Petitioners requested relief from the provisions of the Main Street Planned Development District would allow an over-intensification of the use of the premises with respect to the residential component and disregards the intent of the MSPDD which has multiple goals including an integrated development where residents can patronize local shops, services and public amenities; a pedestrian-oriented, non-automotive environment ... conducive to shopping entertainment and recreation (see Article XXII, subsection 177-134 C. of the Village of Islandia zoning law).



The Petitioners request for relief from the strict interpretation of the Main Street Planned Development District ordinance has no nexus to the increase in yield from that which is allowed in the MSPDD zone to the proposed ultimate density. No substantial public benefit is offered by the petitioner (i.e. increased workforce housing above 10%; transfer of development density from targeted open space areas to the subject development; substantial pedestrian and public amenities including convenient and safe connectivity to multi-modal means of transportation; etc.).

Moreover, granting the requested relief and modification to the MSPDD will significantly alter the visual environment at the gateway to the Inc. Village of Islandia.

In addition, It will significantly alter the character of development in the surrounding area.

It would tend to establish a precedent for further such development density in the Village of Islandia; and

The premises can be reasonably developed in accordance with existing Main Street Planned Development District zoning applicable to the proposed development site.

3. **Approval** of the Motor Parkway Associates “**Conceptual Site Plan**” prepared by Robinson and Muller Engineers, P.C., signed Christopher W. Robinson P.E., (checked by “GT” dated 4-3-2022) with the following **Conditions and Comments**.

**Conditions:**

1. **No more than 150 condominium units shall be permitted as per Article XXII of the Inc. Village of Islandia zoning law, subsection 177-138. E. (1) *Design and development standards; Yield.***

**Reason:** The Main Street Planned Development District ordinance has no nexus for the increase in yield from that which is allowed in the ordinance to the proposed ultimate density of the Motor Parkway Associates development. The petition provides no provision for the incorporation of a substantial public benefit to account for the difference in yield/intensity of what is currently allowed in the zone and what is proposed for this site. The Approval of the Conceptual Site Plan as proposed would tend to establish a precedent for further such development density in the Village of Islandia.

2. **No more than eight (8) stories shall be permitted for the proposed residential condominium building as per Article XXII of the Inc. Village of Islandia zoning law, subsection 177-138. C. (1) *Maximum height; Condominium building.***

**Reason:** The Main Street Planned Development District ordinance will allow yield and intensity of a given application within the zone to a height of up to eight stories or 100 feet. The predominant existing zoning in the area limits height to 60 feet (4 stories). The petition provides for no provision for the incorporation of a substantial public benefit to account for the difference in building height than that which is currently allowed in the zone and what is proposed for this site. Approval of the Conceptual Site Plan as proposed would tend to establish a precedent for further such development density in the Village of Islandia.

3. **The Inc. Village of Islandia shall address the New York State Long Island Workforce Housing Act and incorporate accommodation for no less than ten percent (10%) of the total number of units to be set aside as Workforce Housing Units pursuant to Workforce housing definitions disseminated by New York State and the County of Suffolk.**

**Reason:** New York State General Municipal Law chapter 24, Article 16-A known as the Long Island Workforce housing Act requires that when a local government approves a mixed-use development that incorporates five or more residential units the local government shall require of the applicant the set aside of at least ten percent of such units for affordable workforce housing. The NYS LI Workforce Housing Act also requires that Local governments shall ensure that all affordable housing units created remain affordable in perpetuity (Subsection 699-b 3.).

4. **A percentage of Workforce Housing units shall be set aside as accessible and inclusive for individuals with intellectual or developmental disabilities.**

**Reason:** People with or without disabilities seek generally the same things in their living arrangements. According to the NY Housing Resource Center, there are approximately 25,500 adults in Suffolk County with intellectual or developmental disabilities and approximately 63% of them live with family caregivers and of those, approximately 25% of the caregivers are over the age of 60 (see 1999 United States Supreme Court decision Olmstead v. L.C. which affirmed that the unjustified segregation of individuals with disabilities is an illegal form of discrimination).

5. **The Inc. Village of Islandia shall refer to the Suffolk County Planning Commission, pursuant to New York State General Municipal Law section 239 and the Suffolk County Administrative Code Article XIV, subsection A14-25 the “full statement” of facts relative to the “Site Plan” consistent with the Inc. Village of Islandia zoning law, subsection 177-139.**

**Reason:** Subsection 177-139 “Site plan review” of the Inc. Village of Islandia zoning law requires the submission of a site plan application to the Village Board of Trustees that include “formal alignment, grading and drainage, landscape and lighting plans for the entire site”. Materials referred to the Suffolk County Planning Commission by the Inc. Village of Islandia included a, Land Title Survey, 200’ Radius Map, 1,000’ Radius Map, Conceptual Site Plan and a Preliminary Grading Plan. The “formal alignment, drainage, landscaping and lighting plans” were not included.

Moreover, Article XIV of the Suffolk County Administrative Code Subsection A14-25. C. requires that each site plan referred to the Planning Commission be accompanied by a “full statement” of facts on the proposed application. In addition, information deemed necessary by the Suffolk County Planning Commission, such as the above “plans” supplemental traffic and demographic information requested by the adjacent municipality shall be included in the referral to the Suffolk County Planning Commission.

6. **The Inc. Village of Islandia shall deliver or cause to be delivered to the Town of Islip the SEQRA supplemental Traffic Impact Analysis/Traffic Analysis Memorandum applicable to the current Motor Parkway Associates, LLC “Conceptual Site Plan” prepared by Robinson and Muller Engineers, P.C., signed Christopher w. Robinson P.E., (checked by “GT” dated 4-3-2022). Said Traffic Impact Analysis shall include a reevaluation of the motor vehicle trip generation and movements from the proposed development and any potential impact at to local roadways including but not limited to Motor Parkway (CR 67)**

and particularly, Veterans Memorial Highway (NYS Rt. 454) north of the Village and into the Town of Islip.

7. **The Inc. Village of Islandia shall deliver or cause to be delivered to the Town of Islip the SEQRA supplemental analysis on the generation of school age children** and its impact upon the Hauppauge School District applicable to the current Motor Parkway Associates, LLC “Conceptual Site Plan” prepared by Robinson and Muller Engineers, P.C., signed Christopher W. Robinson P.E., (checked by “GT” dated 4-3-2022).

**Reasons:** Concerns were raised by the Town of Islip Planning Board and expressed to the Suffolk County Planning Commission related to goals of the MSPDD and the resultant effect of the requested amendments to the PDD ordinance. Section 239-nn. of New York State General Municipal law requires neighboring municipalities, when considering planning and zoning matters, to give notice to an adjacent municipality when a development is being considered within 500 feet of its shared boundary. This applies, in this instance, to the Motor Parkway Associates referral with respect to the “site plan” being considered as part of the approval before the Village of Islandia board as referred to the Suffolk County Planning Commission by the Inc. Village of Islandia (see attached Village of Islandia zoning law Sub-Section 177-139. *Site Plan*).

**The following Comments are offered relative to the Site Plan application of Motor Parkway Associates, LLC mixed use development:**

**Comments:**

1. The Inc. Village of Islandia should prepare or cause to be prepared a “Walkability Audit” toward recommendations in improving walkability and pedestrian enhancements to navigate the wide and auto-oriented street network in the vicinity of the Main Street Planned Development District subject property. The Walkability Audit should aim to better create “a more pedestrian-oriented, non-automotive environment (Chapter 177-134C (2) Article XXII, Village of Islandia zoning law)” and connect with mass transit (bus), central business districts (containing “shops, services and public amenities” 177-134C (1)), and open space with residential areas.
2. The applicant and the Village of Islandia should rework the Conceptual Site Plan referred to the Suffolk County Planning Commission (prepared by Robinson and Muller Engineers, PC, signed by Christopher W. Robinson P.E., checked by “GT” dated 4-3-2022) and preserve closer to 35% of the naturally occurring vegetation on site.
3. The applicant should be directed to the New York State Department of Environmental Conservation to discuss mitigation to the potential impact to the Northern Long-eared bat habitat found on site.
4. The applicant should be directed to begin/continue dialogue with the Suffolk County Water Authority and discuss any engineering improvements needed to the potable water distribution network and acquire a “Letter of Water Availability”.
5. The applicant should be directed to begin/continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works for review and approval of the wastewater treatment methodology.
6. Additional considerations for overland storm water runoff on site are warranted. The

Applicant should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

7. Three hundred thirty three (333) vehicle off-street parking spaces are proposed. Parking stall demand reduction techniques should be considered to decrease the required off street parking and increase the amount of undisturbed vegetation. See the below link to the Suffolk County Planning Commission publication on Parking Stall Demand Reduction as a methodology to create a nexus for parking forgiveness and developer **provided** public benefits

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>

Land-banked parking area and areas created via the use of Parking Stall Demand reduction techniques can remain vegetated and utilized for natural drainage. The applicant should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

8. The applicant should be encouraged to begin/continue dialogue with the Suffolk County Department of Public Works and the New York State Department of Transportation regarding impacts to the intersection of Motor Parkway (CR 67) and Veterans Memorial Highway (NYS Rte. 454)
9. The applicant should review the Suffolk County Planning Commission guidelines particularly related to Energy Efficiency and incorporate into the proposal, where practical, design elements contained therein. Accommodation for rooftop solar should be made for now or for in the future. The following best management practices are recommended:
  - ☐ *When planning the layout of a development, consideration should be given to providing solar access. This means, where possible, laying out buildings in an East/West direction so that south facing windows and solar collectors, whether to be installed immediately or planned for the future, can get direct sunlight.*
  - ☐ *New development should be required to install energy efficient appliances using the Energy Star label.*
  - ☐ *Whenever possible all new residential, commercial and industrial buildings should include the use of renewable energy through the utilization of rooftop solar, wind, fuel cells and/or geothermal system and other energy storage devices.*
  - ☐ *All new development with parking lots should have plans for (2%) of off street parking stalls to become future electric vehicle charging stations.*
  - ☐ *All new development with parking lots should designate a minimum (8%) of parking spaces for clean energy vehicles, but should not increase the number of parking spaces beyond the minimum required in order to provide such designations.*
  - ☐ *On-site pedestrian walkways should be provided to abutting roadways to enhance accessibility to nearby public transportation services.*
  - ☐ *Promote connectivity between developments in order to improve pedestrian access to public*

*transportation sites.*

- ☐ *All development should consider turning driveways and roads from heat absorbers to reflectors such as cool roofs and cool paving surfaces, or incorporate permeable pavements where advisable.*
- ☐ *Parking Stall Demand Reduction, to lessen parked and idling cars, decrease trip generation and avoid unnecessary disturbance to CO2 absorbing vegetation, should be employed.*

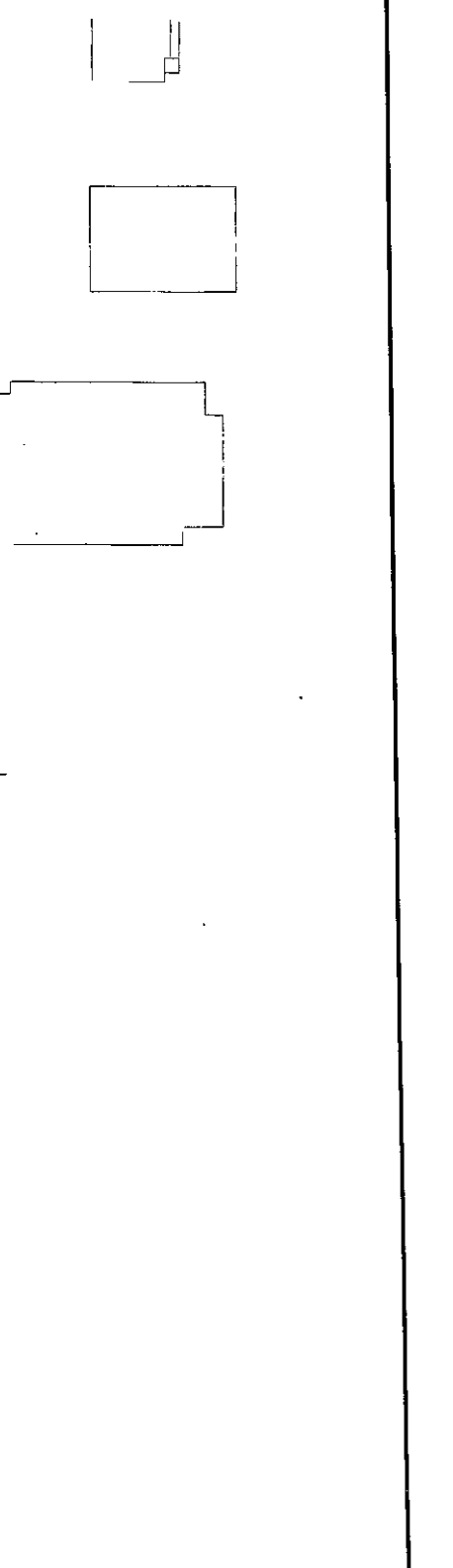
10. The petitioner should review the Suffolk County Planning Commission guidelines particularly related to Universal Design and incorporate into the proposal, where practical, design elements contained therein.











**Freleng, Andrew**

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**From:** Maureen Meehan <MMEEHAN@islipny.gov>  
**Sent:** Tuesday, June 07, 2022 9:58 AM  
**To:** DeSalvo, Christine  
**Cc:** Freleng, Andrew; John Dicioccio  
**Subject:** Notice - Adjacent to Proposed Action - Motor Parkway Associates, LLC Village of Islandia  
**Attachments:** Town of Islip Comments regarding Village of Islandia's Main Street Planned Development District (MSPDD).pdf

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

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Hello Christine,

The Town of Islip had received a referral from the Suffolk County Planning Commission asking for comments regarding the modifications of the Village of Islandia's Main Street Planned Development District ("MSPDD") zoning (related to "Motor Parkway Associates, LLC" project), and its effect on the Town of Islip.

Attached please find the comments from the Town of Islip.

Best regards,

Maureen Meehan  
Town of Islip  
Dept. of Planning & Development  
655 Main Street  
Islip, NY 11751  
(631) 224-5450



# TOWN OF ISLIP

## DEPARTMENT OF PLANNING AND DEVELOPMENT

Angie M. Carpenter, Supervisor  
Ela Dokonal, AICP CUD CC-P LEED-AP, Commissioner

### Suffolk County

### Department of Economic Development and Planning

H. Lee Dennison Bldg, 100 Veterans Memorial Hwy, 11th Fl

Attn: Andrew P. Freleng, Chief Planner  
cc: Natalie Wright, Commissioner

RE: Application of "Motor Parkway Associates, LLC" Village of Islandia  
Zoning Action: Modification of Main Street Planned Development District  
S.C.T.M. No.: 0504 00100 0100 007000 et al  
S.C.P.C. File No.: Is-22-02

Dear Mr. Freleng,

The Town of Islip had received the referral from the Suffolk County Planning Commission asking for comments regarding the modifications of the Village of Islandia's Main Street Planned Development District ("MSPDD") zoning and its effect on the Town of Islip.

The owner and the applicant Motor Parkway Associates, LLC filed an application to modify the MSPDD involving the above-referenced parcels to allow for a development consisting of a nine-story 274-unit residential building with two levels of underground parking containing 333 parking spaces, a five-story hotel building containing 120 rooms and continental breakfast areas, a 7,500 square-foot restaurant, a surface parking with 351 spaces.

**The application includes the following proposed modifications of the code:**

- 177-138(E)(1):
  - currently reads as "Yield: Residential Condominiums: no more than 150 units"
  - the requested change to allow for 274 residential units;
- 177-138(E)(2):
  - currently reads as "Yield: Hotel: no more than 274 rooms"
  - the requested change to allow for 120 hotel rooms;
- 177-13 8(C)(1):
  - currently reads as "Maximum height: Condominium Building: eight stories, but not more than 100 feet (excluding decorative features, rooftop satellite antennas and structures, and architectural elements designed to screen rooftop HVAC equipment, stairways and elevator bulkheads, including but not limited to, parapets, cupolas, and steeples)"
  - the requested change to allow for a nine-story residential building instead limited to no more than 100 feet.

**The applicant's Description of Proposed Action notes that:**

- The overall number of proposed residential units and hotel rooms (which is 394 units/rooms) is less than the overall yield provided in the Village of Islandia Code for the MSPDD (which is 424 units/rooms).
- The proposed development is consistent with the intent and design standards of the MSPDD and will provide a productive and beneficial mixed-use planned development in the Village of Islandia.
- The application is consistent with the SEQRA Findings, which were previously adopted on October 14, 2008, and is in substantial conformance with the MSPDD.

**The Town of Islip comments:**

1. The Land Use and Site Information section of the Application lists the property as being outside of 500 feet from the Town boundary. However, **the site is located less than 500 feet from the Town of Islip boundary** (please see the 500' Radius Map, Attachment #1).
2. **The revised or supplemental analysis of impacts associated with this action was not provided to the Town of Islip, and therefore, the Town of Islip is unable to thoroughly review the potential impacts of the proposed action and compare to the previous approvals.**

- The goal of the 2008 action (the creation of an MSPDD and the change of zone of the subject property from "O" and "MF-18 Overlay District" to MSPDD) was to accommodate the development associated with the Islandia Village Center Master Plan. The long-term impacts of the increased traffic on Veterans Memorial Highway and Motor Parkway, and traffic mitigation measures were provided. The Village Center Master Plan was designed to create a pedestrian-friendly environment connecting a mix of uses, around a centered Village Green. To mitigate potential significant adverse impacts, the mitigation measures included significant pedestrian connectivity and walkability.

The Long Form EAF (page 7, question j) identifies that the proposed action will result in a substantial increase in traffic above present levels, with peak traffic expected in mornings, evenings, and weekends, and there is no intent to provide plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes.

The proposed application at this time contains a modified Master Plan, inconsistent with MSPDD design components that were crucial to support a walkable and pedestrian-oriented environment. Due to the nature of the changes in the proposed Master Plan and associated changes to the MSPDD zoning at this time, **the Town of Islip requires an updated traffic study.**

3. The Description of Proposed Action suggests that the increase of residential units by 120 and the decrease in hotel rooms by 150 creates a decrease in the overall yield provided in the Village of Islandia Code for the MSPDD. **The revised or supplemental analysis of impacts associated with this action was not provided to the Town of Islip.**

- The transient nature of the hotel uses provides an occupancy dictated by local economic and market factors. The DEIS states: *"A feasibility study performed for this site looked at historical occupancy rates at similar competing hotels within a radius of approximately 13 miles of the site. This research indicates that occupancy rates in this area have averaged 72.2% over the last 10 years. In 2007, this rate was 73.2%. Clearly, the percent occupancies assumed in the analysis overestimate what guest demand will actually be by 15 to 25%. In all likelihood, demand related to hotel guests will be lower than that predicted, resulting in a lower peak overall demand than forecast."*

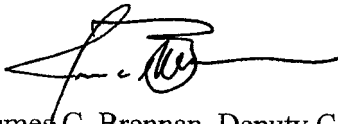
The Town of Islip did not receive an updated analysis on hotel occupancy. However, even with assumed pre-pandemic occupancy of the hotels and disregarding the increased number of hotel rooms in the Town of Islip since 2007 (approximate total of 250 new hotel rooms), it is reasonable to assume that the hotels will not operate at 100% of the average occupancy.

- The long-term impacts have been identified in the EIS including an increase in school-aged children, some of whom may attend the Hauppauge School District.

The Town of Islip did not receive the associated percentage breakdown of the units per size (percentage of studios, one-bedroom, and two-bedroom), which influences calculations on the impact the school-age children. In addition, it is unreasonable to assume that there are no potential impacts created by a "swap" of hotel rooms for residential units. **The Town of Islip requires an updated analysis of the proposed action on impacts on Hauppauge School District.**

**The information provided in this referral is not sufficient for a thorough review of this application. The Town of Islip requests the updated analyses to understand the consistency with the SEQRA Findings previously adopted on October 14, 2008, and the conformance with the MSPDD.**

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Brennan", with a stylized flourish extending to the right.

James C. Brennan, Deputy Commissioner  
Planning & Development

*CC: Angie Carpenter, Supervisor Town of Islip  
Ela Dokonal, AICP CUD CC-P LEED-AP, Commissioner of Planning and Development*

Village of Islandia, NY  
Thursday, September 29, 2022

## Chapter 177. Zoning

### Article XXII. Use District Regulations: Main Street Planned Development District

[Added 10-14-2008 by L.L. No. 5-2008]

#### § 177-134. Legislative findings.

- A. The Village of Islandia Board of Trustees is authorized to enact, as part of its local zoning law, procedures and requirements for the establishment of planned development districts ("PDD") pursuant to the provisions of this article and § 7-703a of the Village Law of the State of New York. In considering a PDD, the Board of Trustees may modify any and all dimensional regulations of the underlying zoning district and, if deemed necessary, to require the inclusion of public benefits into the project.
- B. The Board of Trustees of the Village of Islandia finds that applying flexible regulations, as provided for in § 7-703a of the Village Law of the State of New York, to an integrated development provides an opportunity for cohesive design consistent with traditional neighborhood design principles, which would otherwise not be permitted under conventional zoning regulations. The PDD is intended to allow diversification in the relationship of uses, building structures, and open spaces while ensuring compliance with the Comprehensive Plan and the intent of this Code in requiring adequate standards necessary to satisfy the requirements of protecting the public health, safety and general welfare of the community.
- C. The purpose of this article is to provide for innovative developments that provide value to the Village over the conventional zoning district and which is consistent with the Village Comprehensive Plan and intent of the Zoning Ordinance. The PDD shall provide for unique, innovative and flexible approaches in the design and development of land in return for mixing of land uses and densities. A PDD shall encourage and promote a harmonious and appropriate mixture of uses, facilitate the adequate and economic provision of streets, utilities and public services and preserve the natural environmental and scenic features of the site. In addition, the PDD shall encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features and mitigate site-specific problems or conditions. The PDD shall provide for and be compatible with surrounding areas and foster the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working within the Village. The compatibility and interaction between mixed uses is to be ensured through adoption of a Master Plan, which shall provide for the following:
  - (1) The creation of an environment in which commercial and residential uses are integrated into a cohesive development which fosters a sense of place where residents can congregate and patronize local shops, services and public amenities;
  - (2) A more pedestrian-oriented, non-automotive environment, and more flexibility in the design of land uses and structures than is permitted by single purpose zoning districts;
  - (3) Environments that are more conducive to mutual interdependence in terms of living, working, shopping, entertainment and recreation;

- (4) Well-designed mixed-use developments, while minimizing the impact on roads, streets and other transportation facilities; and
  - (5) Flexibility in the design, layout and construction of large-scale mixed use projects in order to better respond to market demands while ensuring that development is in conformance with adopted standards, procedures and guidelines. In order to accomplish this purpose, the Village may establish general and specific design standards which govern, among other things, architecture, site planning, parking, circulation, streetscape, open space, landscaping, lighting, project identification and signage.
- D. The long-term goals which the Board of Trustees desires to achieve by this legislation include, but are not limited to, the following:
- (1) Encouragement of the most efficient and purposeful development or redevelopment of lands within the Village;
  - (2) Reduction of the effective cost of governmental and other public services;
  - (3) Elimination of excessive and inefficient infrastructure and the minimization of infrastructure development and maintenance costs;
  - (4) Creation of developments wherein, collectively, the mix of uses encourages the creation and/or preservation of a sense of place, pride and values; and
  - (5) Provision of flexible but definitive standards to facilitate innovative and creative land use planning and development techniques not possible under conventional zoning ordinances.

## § 177-135. Specific purpose and intent.

Based upon the legislative findings set forth in § 177-134, the Board of Trustees hereby creates the Main Street Planned Development District ("MSPDD"). The intent of the MSPDD is to encourage superior mixed-use development in accordance with a Master Plan, approved by the Board of Trustees, which shall specify the location of permitted land uses and the ultimate scale and density of development. Development in this district shall be in accordance with an approved Master Plan, which shall contain specific guidelines in terms of height, architecture, and landscaping, and ensure compliance with superior design standards. The MSPDD is further intended to create a "downtown" environment in which commercial and residential uses are integrated with a Village Green area, and to foster a sense of place where residents can congregate and patronize local shops, services and public amenities.

## § 177-136. District boundary.

The MSPDD shall consist of parcels currently designated on the Suffolk County Tax Map as District 0504, Section 1, Block 1, Lots 7 thru 10, comprising 12.66 acres located on the southwest corner of Long Island Motor Parkway (CR 67) and Veterans Memorial Highway (NYS Rte. 454), as shown on the Boundary Survey of Property prepared by Nelson & Pope, LLP, dated February 21, 2000, last revised March 22, 2005, and more particularly bounded and described as follows:

BEGINNING at a point, said point being the intersection of the southeasterly side of Veterans Memorial Highway (NYS Route 454) and the southerly side of Long Island Motor Parkway (CR 67);

RUNNING THENCE along the southeasterly side of Veterans Memorial Highway S 32° 03' 20" E, 473.09 feet;

THENCE S 10° 52' 32" W, 370.72 feet;

THENCE N 79° 44' 57" W, 513.89 feet;

THENCE N 10° 15' 03" E, 305.61 feet;

THENCE N 79° 28' 21" W, 732.86 feet to the southerly side of Long Island Motor Parkway;

THENCE along said road line the following two courses:

- 1) Northeasterly along the arc of a curve bearing to the right, having a radius of 666.80 feet, and a length of 796.03 feet;
- 2) S 79° 08' 21" E, 307.94 feet to the POINT or PLACE of BEGINNING.

Containing within said bounds: 12.66 acres.

## § 177-137. Permitted uses.

In the MSPDD, a building or premises shall be used for the following purposes only:

- A. Residential condominiums, including parking structures, subject to compliance with design and development standards, as hereinafter specified.
- B. Full-service and business hotels, including parking structures, subject to compliance with design and development standards, as hereinafter specified.
- C. Retail and personal service shops and stores, offices, restaurants and coffeehouses, subject to compliance with design and development standards, as hereinafter specified.
- D. Public parkland and municipal structures, consisting of a Village Green, public assembly facilities for outdoor entertainment and use, and sewage disposal facilities.
- E. Customary accessory uses, such as indoor and outdoor recreational facilities, health club, and condominium and hotel support services, including, but not limited to, meeting rooms, media rooms, beauty salon, laundry service, gift shop, snack bar, conference center, restaurant and lounge, and catering services.
- F. Roof-mounted satellite-receiving antennas and structures, subject to the special permit standards set forth in Article XVII of Chapter 177 herein.

## § 177-138. Design and development standards.

The following design and development standards shall apply to land within the MSPDD:

- A. Minimum lot area (inclusive of land to be dedicated for public purposes or required for public improvements, and municipal takings): 12 acres.
- B. Maximum lot coverage by principal and accessory buildings, excluding parking structures: 40%.
- C. Maximum height:
  - (1) Condominium building: eight stories, but not more than 100 feet (excluding decorative features, rooftop satellite antennas and structures, and architectural elements designed to screen rooftop HVAC equipment, stairways and elevator bulkheads, including, but not limited to, parapets, cupolas, and steeples) as measured from grade elevation at Long Island Motor Parkway (CR 67).
  - (2) Hotel: seven stories, but not more than 100 feet (excluding decorative features, rooftop satellite antennas and structures, and architectural elements designed to screen rooftop HVAC equipment, stairways and elevator bulkheads, including, but not limited to, parapets, cupolas and steeples).
  - (3) Retail and personal service shops and stores, offices, restaurants, and coffeehouses (as principal, non-accessory uses): two stories, up to 40 feet.
  - (4) Accessory buildings and structures: two stories, up to 25 feet.



- D. Perimeter setbacks to buildings: 20 feet minimum.
- E. Yield:
  - (1) Residential condominiums: no more than 150 units.
  - (2) Hotel: no more than 274 rooms.
  - (3) Retail and personal service shops and stores, offices, restaurants and coffeehouses (as principal, non-accessory uses): no more than 46,000 square feet combined.
- F. Principal office uses shall not be located on the first floor of any structure.
- G. The maximum size of any principal retail and personal service shop or store located on the first floor of any structure shall be 5,000 square feet.
- H. Off-street parking:
  - (1) Deriving the standards for parking requirements in mixed-use projects is a complex, variable process. The calculations must not only reflect the variables that affect parking demand for each component use, but also recognize the inherent fact that the total peak parking demand for a mixed-use project will likely be less than the sum of the peak demand values for each component land use. Because of the different activity cycles of component land uses in a mixed-use project, the peak parking demand for each component land use often occurs at different hours of the day, days of the week, and seasons of the year. Thus, simply adding together the estimated peak parking demand for each component land use to arrive at an overall estimated total peak demand for a mixed-use project will produce an estimate that is too high, and unrealistic. Estimates of overall peak parking demand for a mixed-use project must reflect the different demand patterns of the component land uses, and the nature of shared parking. Also, the synergistic relationship between and among different land uses often encourages multi-purpose trips, in which people visit more than one land use on a single trip. Thus, a single parking space can, in effect, serve several land uses. As per Urban Land Institute studies and manuals, shared parking methodology provides a systematic way to apply appropriate adjustments to parking ratios for each use in a mixed-use development district. Based upon the foregoing, the parking requirements for the MSPDD have been derived from multiple, complex calculations that take all of the above considerations into account.
  - (2) In the MSPDD, the total number of required parking spaces shall be calculated as follows:
    - (a) Residential condominiums: 1.75 spaces per unit. Parking spaces located in garages or parking structures shall not be excluded in connection with the calculation of minimum parking requirements.
    - (b) Full service hotel and customary accessory uses, excluding conference centers and restaurants: One per room.
      - [1] Hotel meeting/conference center: 18 per 1,000 square feet.
      - [2] Hotel restaurant: One per employee.
    - (c) Business hotel: 1.25 per room.
    - (d) Retail and personal service shops and stores (as principal, non-accessory uses): 2.75 per 1,000 square feet.
    - (e) Restaurants and coffeehouses (as principal, non-accessory uses): 3.75 per 1,000 square feet.
    - (f) Offices (as principal, non-accessory uses): Four per 1,000 square feet.
  - (3) The requirements for a permitted principal use comprised of several component and/or accessory uses shall be determined by establishing the requirement for each component

and/or accessory use and adding them together. Shared parking will be permitted if there is a variation in the probable time of maximum usage between or among the component and/or accessory uses.

## § 177-139. Site plan review.

Formal alignment, grading and drainage, landscape and lighting plans for the entire site (collectively, the "site plan") shall be submitted in conjunction with the application for MSPDD review and approval. The site plan shall be prepared in compliance with the requirements of Chapter 140, Site Plan Approval, herein, except that the requirement of a preliminary application shall be waived. Upon submission of a complete MSPDD and site plan application, the Board of Trustees shall simultaneously consider and review both applications.

## § 177-140. General design standards.

### A. Roads.

- (1) Access driveways intended to connect the MSPDD to adjacent public roads shall have a minimum lane width of 12 feet of pavement in each direction, separated by a median, and shall incorporate sidewalks and other pedestrian-friendly features.
- (2) Interior driveways forming the primary streetscape shall be designed to provide a pedestrian-friendly neighborhood setting, and shall have a minimum lane width of 10 feet in each direction, excluding surface parking spaces.

### B. Parking stalls.

- (1) Interior stalls located within structures: nine feet by 18 feet minimum with seven feet of vertical clearance.
- (2) Surface parking:
  - (a) Nine feet by 19 feet at 90° to an adjacent driveway.
  - (b) Ten feet by 23 feet parallel to an adjacent driveway, except that end stalls shall be 10 feet by 25 feet.
  - (c) Nine feet by 19 feet at 60° to an adjacent driveway.

### C. Traffic-calming techniques. The MSPDD shall make use of various traffic-calming features for the purpose of controlling vehicle speeds and providing for the intended pedestrian-friendly orientation of the development. These features may include roundabouts, designated crosswalks, curb extensions, chokers and other recognized methods of controlling vehicular speed (on-street parking, narrower street lanes with planted trees and sidewalks, smaller turning radii, etc).

### D. Pedestrian circulation. In order to promote the pedestrian-friendly nature of the MSPDD, the site plan will provide sufficient interconnecting walkways to allow for pedestrian circulation throughout the site. The MSPDD will also include various pedestrian-oriented public spaces. Pedestrian paths and walkways will have appropriate lighting, benches and other architecturally consistent features.

### E. Drainage. All stormwater runoff originating from development of the MSPDD shall be retained onsite, unless surplus capacity exists in an off-site drainage system. Appropriate measures shall be implemented to control soil erosion and stormwater runoff during construction.

## § 177-141. Specific design standards.

### A. Architectural design.

- (1) Residential condominium buildings shall be coherently designed to include shared functional open space and off-street parking, with consistent landscaping throughout.
- (2) Exterior building construction and design shall reflect a style of architecture that is traditional in proportions and primary materials, but modern and "pared down" in its detailing. In the choice of exterior finishes, care shall be taken to coordinate the appearance of all buildings in the MSPDD. Exterior facades of buildings shall be designed to avoid blank walls through the use of facade modulation, changes in materials, windows, and/or other design features. Mixed-use buildings should be primarily open at the ground level, and much more solid at the upper levels. Storefront windows, doors, lighting, signage and awnings shall be designed to create a unified whole. Awnings, lighting and signage may extend into the public right-of-way.
- (3) Buildings shall provide a moderate amount of variation in building mass form and style to provide character. Buildings shall not be either monotonous nor have too many variations that produce a disjointed effect. Wherever appropriate, walls and roofs shall include separations, changes in plane and height, and architectural elements such as cornices, balconies, and banding to breakup the building mass.
- (4) The exterior facades of all buildings in the MSPDD shall be constructed with a variety of masonry and architectural products that will complement the buildings' architectural style and character. Vinyl or metal siding shall be prohibited, with the exception of fascias, soffits, cornices and other architectural detailing which shall be compatible with or complement the character of the exterior design.
- (5) Building massing and fenestration shall have a vertical and not a horizontal emphasis. Buildings shall have a "bottom, middle and top" rather than a uniform exterior to visually express that the ground-floor functions are different from the upper-floor functions and to create traditional proportions for the overall building.
- (6) Window glass, particularly at street level, shall be clear or lightly tinted so as to show active interiors that contribute to the active pedestrian environment.
- (7) Orientation. Each building in the MSPDD shall be oriented toward the internal roadway, with primary entrances facing the internal roadway; however, buildings shall address all of the streets or public spaces which they face.
- (8) All buildings in the MSPDD shall be designed to provide pedestrian and vehicular connections to other buildings in the MSPDD. Techniques for complying with this requirement include, but are not limited to:
  - (a) Locating parking areas behind or under buildings. If driveway access from streets is necessary, minimum-width driveways meeting the fire code standards should be used.
  - (b) Providing each building in the MSPDD with direct pedestrian access from the main internal roadway fronting the buildings, and from all structured parking areas.
  - (c) Appropriate truck-turning characteristics to facilitate deliveries, maintenance operations, waste removal, snow removal and other services.
- (9) The development shall conform to the applicable provisions of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA).

Resolution No. ZSR-08-17 of the Suffolk County Planning Commission  
Pursuant to Sections A 14-14 to 23 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A 14-14 to 23 of the Suffolk County Administrative Code, a proposed zoning action was received at the offices of the Suffolk County Planning Commission on February 20, 2008, with respect to the Inc. Village of Islandia's application for the creation of a Main Street Planned Development District (MSPDD) zoning district, the change of zone of the subject property from Office ("O") and MF-18 Multifamily Residential Owner-Occupied Condominium Overlay District (MF-18 Overlay District) to MSPDD, and approval of the Overall Plan for Islandia Village Center in accordance with the MSPDD on land situated on the southwest corner of Veterans Memorial Highway (NYS Rte. 454) and Motor Parkway (CR 67) in the Inc. Village of Islandia, and
- WHEREAS, said application was considered by the Suffolk County Planning Commission at its meeting on April 2, 2008 and now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves and adopts the report of its staff, as may be amended, as the report of the Commission, Be It Further
- RESOLVED, that said application as it applies to the MSPDD zoning district is conceptually approved with the following conditions and denial of the change of zone and acceptance of the Overall Plan for Islandia Village Center:

**Conceptually Approve the Main Street Planned Development District (MSPDD) ordinance with the following conditions:**

1. The proposed MSPDD ordinance shall make provisions for the analysis of or standards for access to light (shadowing effects) and air circulation considering the allowance of mixed use, high rise structures in the overlay zone.
2. The proposed MSPDD ordinance shall make provisions for the incorporation of LEED (Leadership in Energy Efficient Design) standards for energy efficiency.
3. The MSPDD ordinance shall make provisions for the incorporation of workforce housing.

The MSPDD should incorporate a minimum design standard of 20 percent of the residential unit yield to be set aside for workforce housing purposes. In addition, the proposed MSPDD shall specify a term during which the units must be maintained as Workforce Housing units in order to prevent the units from being flipped or resold at market rate in the foreseeable future. In addition, the ordinance should include a monitoring program in order to insure compliance with the program into the future. This will insure that the affordable units are occupied by those individuals previously qualified, that the units continue to be maintained at the prescribed affordable rate and that the designated units are maintained in perpetuity or pursuant to a timeframe established under the program. It is also important to insure that the affordable rates are set and maintained below the market rates for the Village. An income limit of 120% of median income may permit the rental rate to exceed local market rates thus, undermining the intent of the program.

4. The proposed MSPDD shall create a nexus between substantial public benefits and the increase in yield from that which is allowed in the underlying zone to a proposed ultimate density.

The proposed ordinance would allow yield and intensity of a given application within the overlay zone a maximum height of up to eight stories or 100 feet. The predominant existing zoning in the area limits height to 60 feet (4 stories). The ordinance provides for no provision for the incorporation of a substantial public benefit to account for the difference in yield/intensity between what is currently allowed and what is proposed. The bonus in yield should not be left for subjectivity; an objective design standard must be incorporated into the ordinance. For example, for each percent of

workforce units over 20 percent an applicant would be entitled to a 2 percent bonus in floor area or applicants demonstrating a reduction in motor vehicle trip generation above 25 percent would be entitled to a height or floor area bonus of one story for each percent over 25. These are simply examples demonstrating some objective means of tying yield and height of proposed structures in the overlay zone to a substantial public benefit. It should be noted that in the vicinity of the proposed overlay zone no building exceeds four stories in height. While no building with eight stories or 100 feet in height currently exists in the general vicinity, other tall buildings in the area are Computer Associates (7 stories); Marriott Hotel (10 stories); Wyndham Wind Watch Hotel (10 stories). Proposed structures should not be overbearing to the immediate vicinity but rather be compatible with adjacent land uses and the mass and orientation of existing structures in the immediate area. To the extent that the MSPDD ordinance provides for increased yield and intensity of use relative to the immediate area, such increase must be tied to an increase in substantial public benefits.

5. The Proposed MSPDD ordinance shall warrant that all development will comply with applicable State and County requirements associated with the treatment of sanitary waste.
6. All potential environmental impacts, including cumulative impacts, shall be mitigated in conjunction with the development of the MSPDD.
7. The proposed ordinance shall be clarified to insure that adequate emergency services are available in order to accommodate the proposed scale of development permitted under the proposed MSPDD and that the development is designed to provide adequate access (road width, elevator size, etc.) for these services.

**Disapproval of the proposed change of zone from Office and MR-18 Overlay District to MSPDD for the following reasons:**

1. It will significantly alter the visual environment at the gateway to the Inc. Village of Islandia;
2. It will significantly alter the character of development in the surrounding area;  
It is again noted that in the vicinity of the proposed overlay zone no building exceeds four stories in height. While no building with eight stories or 100 feet in height currently exists in the Village, other tall buildings in the area are Computer Associates (7 stories); Marriott Hotel (10 stories); Widham Wind Watch Hotel (10 stories). Proposed structures should not be overbearing to the immediate vicinity but rather be compatible with adjacent land uses and the mass and orientation of existing structures in the immediate area. To the extent that the MSPDD ordinance provides for increased yield and intensity of use relative to the immediate area, such increase must be tied to an increase in substantial public benefits.
3. It would tend to establish a precedent for further such development patterns in the Village of Islandia; and
4. Premises can be reasonably developed in accordance with existing zoning/1995 Comprehensive Plan recommendation for office and associated purposes.

It is the belief of the Suffolk County Planning Commission that the intent of the proposed MSPDD is laudable; however, there remains some concern over the location requirements of the District. The applicable subject parcel is at the fringe or gateway to the Inc. Village. "Main Street" or "Downtown" mixed use ordinances should be targeted to existing commercial business districts or previously established village focal points. The Village Center shopping development, in roughly the center of the Incorporated Village, would appear to be a more appropriate and logical location for the application of a MSPDD. The Village should re-assess the minimum lot size for the MSPDD and conduct a comprehensive analysis of the center of the village in order to bring the Smart Growth concept and the MSPDD together in a more appropriate fashion.

**Disapproval of the "Overall Development" plan for the following reasons:**

1. Proposed development is an unwarranted over-intensification of the use of the premises.

2. The proposed use would result in an inconsistent pattern of zoning with the surrounding area and could be considered a "spot zoning."
3. The proposed development would involve a significant increase in trip generation resulting in a potential significant adverse traffic impact in an area already impacted by congestion.
4. The proposal if approved would establish a precedent for similar development in the village and would ultimately undermine the effectiveness of the zoning ordinance.

**Comments:**

A June 2000 referral to the Suffolk County Planning Commission that was approved was for a total gross floor area of 151,880 sq. ft. The subsequent referral (August 2004) was for the application of a zoning district that would allow the total gross floor area to increase to some development potential that would include 18 residential units to the acre (225 units) and allow 14 story structures up to 175 feet. This intuitively would result in a development plan in excess of the previously approved gross floor area. The commission considered this development ordinance as potentially allowing an over-intensification of the site and believed it would have serious ramifications to the visual environment and the character of development in the vicinity.

The current site plan ("Overall Plan") proposes a total gross floor area of 498,570 sq. ft. This is approximately a two-hundred twenty eight (228) percent increase in GFA as compared to the originally approved application.

Motion by: Commissioner Fiore                      Seconded by: Commissioner Holmes

Commission Vote: Present – 10	Ayes	10
	Nays	0
	Abstentions	0

Dated: April 2, 2008  
L.I. Horticulture Research & Extension Center, Riverhead, NY  
Suffolk County Planning Commission



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF  
PLANNING

THOMAS A. ISLES, A.I.C.P.  
DIRECTOR OF PLANNING

**STAFF REPORT**  
**SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Applicant:** Village of Islandia (Islandia Village Center) aka Motor Parkway Associates  
**Municipality:** Inc. Village of Islandia  
**Location:** Southwest corner of Veterans Memorial Highway (NYS Rte. 454) and Motor Parkway (CR 67)

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**Received:** 2/20/2008  
**File Number:** Is-08-01  
**T.P.I.N.:** 0504 00100 0010 007000  
**Jurisdiction:** Adjacent to NYS and County roads NYS Rte 454 & CR 67

**ZONING DATA**

- Zoning Classification: "O" Office and MF - Multifamily
- Minimum Lot Area: N/A
- Section 278: N/A
- Obtained Variance: N/A

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes
  - File: Is-00-02 (Conditional Approval)
  - Date: 6/7/00
  - Map of: Motor Parkway Associates
  - File: Is-04-02 (Disapproval)
  - Date: 8/4/04
  - Map of: Inc. Village of Islandia
- SEQRA Information: Yes
- SEQRA Type: DEIS
- Minority or Economic Distressed: No

**SITE DESCRIPTION**

- Present Land Use: Vacant
- Existing Structures: None

- General Character of Site: Level
- Range of Elevation within Site: N/A
- Cover: Brush-First growth woods
- Soil Types: CUB, PrB, PIC
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: None within or adjacent to site

#### **NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Change of zone
- Layout: Standard
- Area of Tract: 12.66 Acres, 55,1469.69 Sq. Ft.

#### **ACCESS**

- Roads: Existing
- Driveways: Proposed internal network

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: Public

### **PROPOSAL DETAILS**

**OVERVIEW** – Applicants are proposing a three part application to the Incorporated Village of Islandia including (a) creation of a Main Street Planned Development District (MSPDD) zoning district, (b) the change of zone of the subject property from Office (“O”) and MF-18 Multifamily Residential Owner-Occupied Condominium Overlay District (“MF-18 Overlay District”) to MSPDD, and (c) approval of the Overall Plan for Islandia Village Center in accordance with the MSPDD.

The intent of the MSPDD is to encourage mixed use development in accordance with a Master Plan, approved by the Village Board of Trustees, which specifies the location of permitted land uses and the ultimate scale and density of development. The MSPDD is further intended to create a “downtown” environment in which commercial and residential uses are integrated with a village green area and by fostering a sense of place.

Design and development standards within the proposed MSPDD ordinance are intended to limit the minimum lot size of the subject parcel to 12 acres; limit the height of condominium buildings to 8 stories or 100 feet; limit hotel uses to 7 stories or 100 feet; retail stores, offices, restaurants, and coffeehouses (as principal, non-accessory uses) 2 stories, up to 40 feet; and accessory buildings and structures: 2 stories, up to 25 feet.

Yield for the MSPDD is set in accordance with the following: No more than 150 units for residential condominiums; no more than 274 rooms for the hotel; for retail stores, offices, restaurants and coffeehouses (as principal non-accessory use), no more than 46,000 SF combined.

Parking requirements for the MSPDD have been derived from consulting (according to the ordinance) Urban Land Institute studies and manuals for shared parking methodology and appears to provide a systematic way to calculate parking demand.



The proposed MSPDD ordinance includes general design standards for interior roads, parking stalls, traffic calming techniques, pedestrian circulation, drainage and architectural design.

Details of the provided "Overall Plan" (site plan) include: One 7-8 story residential building with a total of 150 condominium units. The 150 residential units would consist of 15 one-bedroom units and 135 two-bedroom units. The condominium building is situated on approximately 2.5 acres of the site at the western end. On the roughly 2.5 acres the 150 unit condominium would have a density of approximately 60 units/acre (252,880 SF total building GFA); one three (3) story hotel, situated along Motor Parkway at the northern portion of the site is intended to provide for 100 guest rooms as well as meeting and board rooms (43,740 SF total GFA); one seven (7) story hotel with 174 intended rooms, is located at the southeastern portion of the site. Conference and board rooms are also included (total GFA is proposed to be 156,028 SF); two (2) 7,000 SF one story restaurant buildings are proposed with no more than 225 seats each; and a combined retail and office building of approximately 32,000 SF total gross floor area (GFA).

An approximate 0.59 acre "Village Green" consisting of large lawn areas, a grass terraced amphitheater-style seating area and a walkable area with plantings, fountains and benches is proposed in a central location among the residential buildings. The village green is proposed to be dedicated to the Village of Islandia. A landscaping plan is also proposed consisting of tree-lined roadways, planted islands and various botanical amenities. Sidewalks and paved crosswalks are also proposed to traverse the property to facilitate pedestrian access.

Sanitary discharge for the overall development is proposed to be accommodated off site by the Windwatch Sewage Treatment Plant. As part of the proposed development, a sewage pump station would be constructed at the southeast corner of the overall subject property.

Off street parking is proposed to be accommodated beneath the proposed residential buildings and the seven story hotel. Surface parking is also proposed situated throughout the site. As such, 802 parking spaces in total are proposed.

**LOCATION** – Applicable to 12.66 acres comprised of four (4) tax map parcels located on the southwest corner of Long Island Motor Parkway (CR 67) and Veterans Memorial Highway (NYS Rte. 454).

An analysis of the character of the area indicates that the affected lands are located in an area predominated by Office "O" District. Some Highway Commercial (HC), Professional (P) and Neighborhood Retail (NR) districts are also found in the area. The subject properties are also affected by an approved MF-18 overlay district.

Land uses in the area are reflective of the zoning districts consisting of a mix of commercial and residential uses. Adjacent and south of the subject site is a life insurance building and a savings bank. Southeast and adjacent to the subject area is another commercial site. The subject area is bordered by the state road to the north and the county road to the east.

**ACCESS** – Access to the target area is proposed from existing streets. One access point is proposed along NYS Rte. 454 (right turns only) and two additional access driveways are proposed along CR 67. the westernmost proposed access along CR 67 is intended to be right turn only the northern access along CR 67 would allow left and right ingress, but exiting motor vehicle traffic would be restricted to right turns only.

**ENVIRONMENTAL CONDITIONS** - The target area is situated in Hydrogeologic Ground Water Management Zone I pursuant to Article 6 of the Suffolk County Sanitary Code. The target area is not located in a Special Groundwater Protection Area (SGPA). The subject area is not located in a State Critical Environmental Area. No local, state or federally regulated wetlands occur on site.

**COMPREHENSIVE PLAN RECOMMENDATIONS** – The 1995 Village of Islandia Comprehensive Plan was updated in 2004 with respect to the subject property. The property was considered for the application of an MF-18 Overlay District (high rise multifamily residence condominiums and restaurant/catering facilities at 18 units/acre, up to 225 units and a maximum building height of 14 stories or 175 feet).

### **STAFF ANALYSIS**

The subject property has had some history with the Suffolk County Planning Commission. In April of 1998 the Commission received a SEQRA coordination referral for on a Positive Declaration for a two lot subdivision for subsequent development as an office building and a hotel. Commission staff comments reflected concerns related to generation of traffic, interconnectivity between the parcels and placement of the proposed structures. In June of 2000, the Commission received a referral for the construction of a four (4) story hotel with 122 rooms comprising 64,379 SF with two accessory dining facilities on each end of the building comprising 5,532 SF and 6,966 SF with a total of 354 seats. On the westerly portion of the property was proposed a four (4) story office building comprising 75,000 SF. This application was approved by the Suffolk County Planning Commission at its June 7, 2000 meeting. Six conditions were imposed, three of which were significant conditions of approval and were as follows:

1. Pedestrian routes shall be provided between the office and hotel/dining uses;
2. Traffic improvements shall be provided consistent with a traffic analysis; acceptable to the NYS DOT, the SCDPW and the Village of Islandia; and
3. In accordance with Smart Growth policies of Suffolk County, private van/mini bus shuttle services shall be available for hotel guests to lessen dependence on automobiles.

In August of 2004, the Suffolk County Planning Commission received a referral from the Incorporated Village of Islandia to update the 1995 Comprehensive Plan for the village primarily to include a new MF-18 District (High Rise multifamily residence condominiums and restaurant/catering facilities on 12 acre parcels at 18units/acre [up to 225 units] and a maximum building height of 14 stories or 175 feet, with frontage on Veterans Memorial Highway) as an overlay in office districts. Only one 12 acre parcel was effected by the amendment, that being the subject area. After consideration and deliberation of the facts the Commission at its meeting resolved to disapprove the establishment of an MF-18 Overlay District and its particular applicability to the subject area. The four reasons for disapproval were:

1. It will significantly alter the visual environment at the gateway to the Inc. Village of Islandia;
2. It will significantly alter the character of development in the surrounding area;
3. It would tend to establish a precedent for further such development patterns n the Village of Islandia; and
4. Premises can be reasonably developed in accordance with existing zoning/1995 Comprehensive Plan recommendation for office and associated purposes.

It is evident that the County Planning Commissions determination was over-ridden by the Inc. Village as is demonstrated by the current application before the Commission which in part, petitions for a change of zone from the MF-18 overlay.

Analysis with respect to the proposed MSPDD amendment is as follows:

1. Overall, the proposed MSPDD ordinance makes no provisions for the analysis of or standards for access to light (shadowing effects) and air circulation considering the allowance of mixed use, high rise structures in the overlay zone.
2. The proposed MSPDD ordinance makes no provisions for the incorporation of LEED (Leadership in Energy Efficient Design) standards for energy efficiency.
3. The proposed MSPDD ordinance makes no provision for the incorporation of workforce housing. The MSPDD should incorporate a minimum design standard of 20 percent of the residential unit yield to be set aside for workforce housing purposes.
4. The proposed MSPDD zoning overlay requirements should stipulate that the mandatory workforce housing units should remain affordable in perpetuity.
5. The proposed MSPDD ordinance has no nexus for the increase in yield from that which is allowed in the underlying zone to a proposed ultimate density. The proposed ordinance will allow yield and intensity of a given application within the overlay zone a height bonus of up to eight stories or 100 feet. The predominant existing zoning in the area limits height to 60 feet (4 stories). The ordinance provides for no provision for the incorporation of a substantial public benefit to account for the difference in yield/intensity of what is currently allowed and what is proposed. The bonus in yield should not be left for subjectivity. An objective design standard should be incorporated into the ordinance. For example; for each percent of workforce units over 20 percent an applicant would be entitled to a 2 percent bonus in floor area or applicants demonstrating a reduction in motor vehicle trip generation above 25 percent would be entitled to a height or floor area bonus of one story for each percent over 25. These are simply examples demonstrating some objective means of determining yield and height of proposed structures in the overlay zone. It should be noted that in the vicinity of the proposed overlay zone no building exceeds four stories in height. While no building with eight stories or 100 feet in height currently exists in the Village, other tall buildings in the area are Computer Associates (7 stories); Marriott Hotel (10 stories); Widham Wind Watch Hotel (10 stories). Proposed structures should not be overbearing to the immediate vicinity but rather be compatible with adjacent land uses and the mass and orientation of existing structures in the immediate area.

It is the belief of the Staff that the intent of the proposed MSPDD is laudable however, there remains some concern over the location requirements of the District. The applicable subject parcel is at the fringe or gateway to the Inc. Village. "Main Street" or "Downtown" mixed use ordinances should be targeted to existing commercial business districts or previously established village focal points. The Village Center shopping development, in roughly the center of the Incorporated Village, would appear to be a more appropriate and logical location for the application of a MSPDD. The Village should re-assess the minimum lot size for the MSPDD and conduct a comprehensive analysis of the center of the village in order to bring the Smart Growth concept and the MSPDD together in a more appropriate fashion.

Analysis with respect to the current petition for a change of zone indicates similarities between this petition and the 2004 petition. While the MSPDD ordinance allows a maximum height of 100 feet as opposed to the original MF- 18 overlay zone of 175 feet, the reasons for disapproval remain applicable to this application, namely:

1. It will significantly alter the visual environment at the gateway to the Inc. Village of Islandia;

2. It will significantly alter the character of development in the surrounding area;
3. It would tend to establish a precedent for further such development patterns in the Village of Islandia; and
4. Premises can be reasonably developed in accordance with existing zoning/1995 Comprehensive Plan recommendation for office and associated purposes.

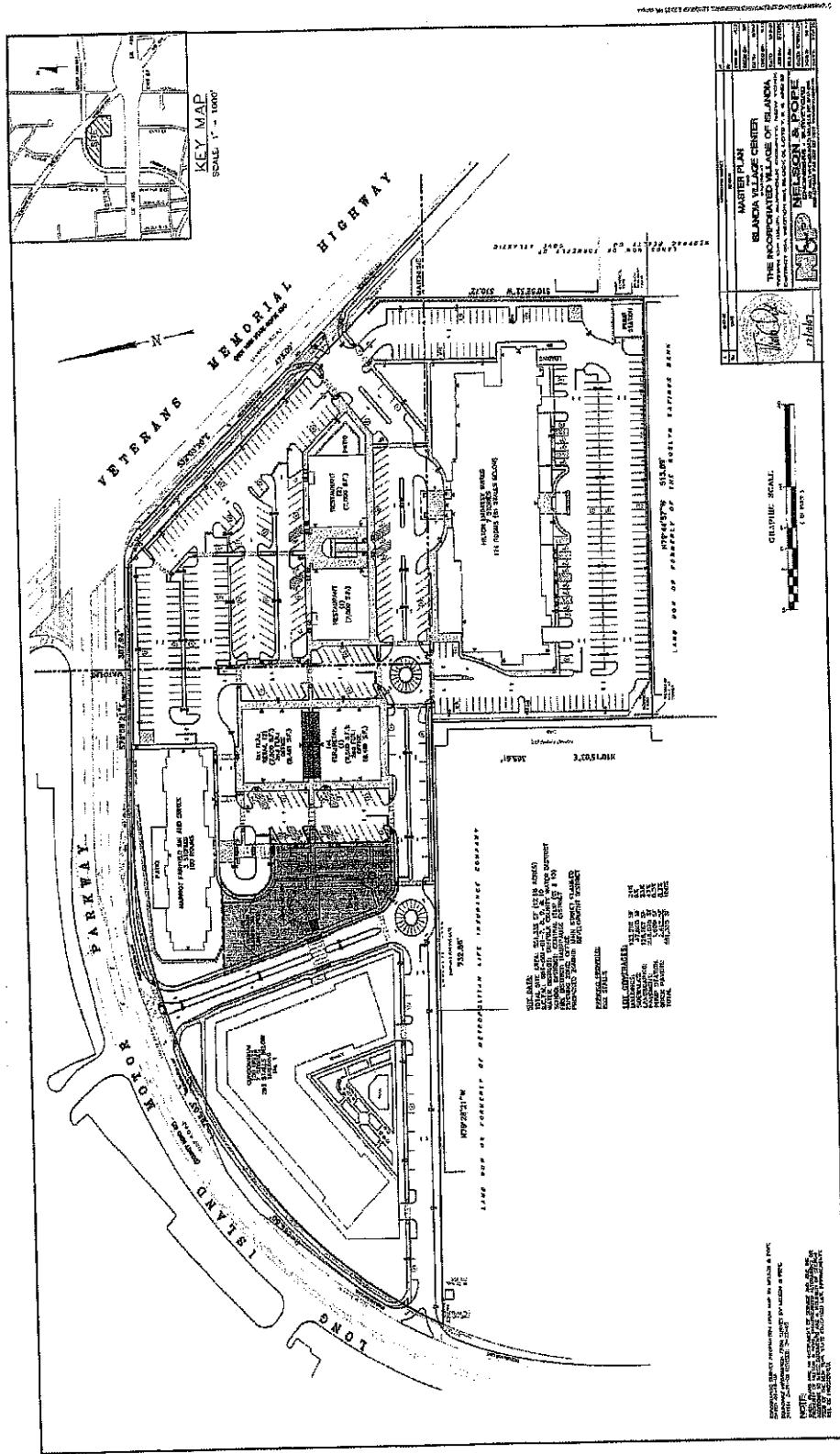
Analysis of the submitted "Overall Plan" indicates that the subject development is an unwarranted over-intensification of the use of the premises. The June 2000 referral to the Suffolk County Planning Commission that was approved was for a total gross floor area of 151,880 SF. The subsequent referral (August 2004) was for the application of a zoning district that would allow the total gross floor area to increase to some development potential that would include 18 residential units to the acre (225 units) and allow 14 story structures up to 175 feet. This intuitively would result in a development plan in excess of the previously approved gross floor area. The commission considered this development ordinance as potentially allowing an over-intensification of the site and believed it would have serious ramifications to the visual environment and the character of development in the vicinity.

The current site plan ("Overall Plan") proposes a total gross floor area of 498,570 SF. This is approximately a two-hundred twenty eight (228) percent increase in GFA as compared to the originally approved application. It is the belief of the staff that the current proposal is an unwarranted over-intensification of the subject site. Furthermore, the proposed use would result in an inconsistent pattern of zoning with the surrounding area and could be considered a "spot zoning." The proposal if approved would establish a precedent for similar development in the village and would ultimately undermine the effectiveness of the zoning ordinance.

### **STAFF RECOMMENDATION**

1. Conceptual Approval of the MSPDD ordinance with the comments from the above staff report.
2. Disapproval of the proposed change of zone for the reasons enumerated above.
3. Disapproval of the Overall Development plan for the reasons enumerated above.





Z-2: Islandia Village Center – Main Street Planned Dev. District  
 SCPD No.: Is-08-01  
 SCTM No.: 0504-001.00-01.00-007.000, -008.000, -009.000, -010.000